

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tim KEITH et al.

Group Art Unit: TBA

Serial No.: TBA

Examiner: TBA

Filed: HEREWITH

For: ***NOVEL HUMAN GENES RELATING TO RESPIRATORY DISEASES AND OBESITY***

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, DC 20231

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☒ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is provided:
FR 2 748 479, pp. 31-39, SEQ ID NO:2; sequence similarity per GeneSeq database, Accession No. AAW43106; C. thermocellum OlpB protein.
2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. _____, filed _____.
4. ☒ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

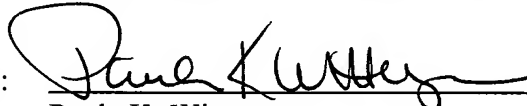
- ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
- ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
- ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.
6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
- ☐ Charge the fee to Deposit Account No. 13-4500, Order No. _____. A
DUPLICATE COPY OF THIS SHEET IS ATTACHED.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
- a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).

- c. ☐ The fees due under 37 C.F.R. §§1.17(h) and 1.17(p) are paid as set forth in paragraph 11 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☐ This document is accompanied by ☐ a Search Report ☐ Communication which was cited in a corresponding ☐ PCT or ☐ Foreign counterpart application
11. ☐ A check in the amount of \$ _____ is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).
- ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2976-4037US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: December 22, 2003

By:



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FORM PTO-1449

INFORMATION DISCLOSURE CITATION

Attorney Docket:
2976-4037US1Serial No.:
TBAApplicant:
Tim KEITH et al.Filing Date:
HEREWITHGroup Art Unit:
TBA

U.S. PATENT DOCUMENTS

| Examiner Initial | | Patent Number | Issue Date | Name | Class | Sub-Class | Filing Date |
|------------------|---|---------------|------------|-------------------|-------|-----------|-------------|
| | 1 | 6,150,081 | 11/21/2000 | Van Heerde et al. | 430 | 569 | |
| | 2 | 5,830,713 | 11/3/1998 | Ferrari et al. | 435 | 91.1 | |
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| Examiner Initial | | Patent Number | Publication Date | Country | Class | Sub-Class | Translation |
|------------------|---|---------------|------------------|---------|-------|-----------|---------------------------------------------------------------------|
| | 6 | W0 95/23611 | 9/8/1995 | PCT | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 7 | 2 748 479 | 11/14/1997 | FRANCE | | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| | 8 | WO 98/10063 | 3/12/1998 | PCT | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | | | | | <input type="checkbox"/> Yes <input type="checkbox"/> No |

OTHER DOCUMENTS (Including Author, Title, Date, etc.)

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| | 9 | P. Labhart et al., "DNA sequences for typical ribosomal gene spacers from <i>Xenopus laevis</i> and <i>Xenopus borealis</i> ", 1987, <i>Nucleic Acids Research</i> , Vol. 15, 8:3623-3624. |
| | 10 | T. Moss et al., "More ribosomal spacer sequences from <i>Xenopus laevis</i> ", 1980, <i>Nucleic Acid Research</i> , Vol. 8, 3:467-485. |
| | 11 | S. De V. Pepper et al., "Murine Gammaherpesvirus-68 Encodes Homologues of Thymidine Kinase and Glycoprotein H: Sequence, Expression, and Characterization of Pyrimidine Kinase Activity", 1996, <i>Virology</i> , Vol. 219, 2:475-479. |
| | 12 | H.W. Virgin, IV et al., "Complete Sequence and Genomic Analysis of Murine Gammaherpesvirus 68", 1997, <i>Journal of Virology</i> , Vol. 71, 8:5894-5904. |
| | 13 | J.P. Stewart et al., 1996, "Identification and Characterization of Murine Gammaherpesvirus 68 gp150: a Virion Membrane Glycoprotein", <i>Journal of Virology</i> , Vol. 70, 6:3528-3535. |
| | 14 | J.P. Stewart et al., 1994, "Characterization of Murine Gammaherpesvirus 68 Glycoprotein B (gB) Homolog: Similarity to Epstein-Barr Virus gB (gp110)", <i>Journal of Virology</i> , Vol. 68, 10:6496-6504. |
| | 15 | R.J. Bowden et al., 1997, "Murine gammaherpesvirus 68 encodes tRNA-like sequences which are expressed during latency", <i>Journal of General Virology</i> , Vol. 78, 7:1675-1687. |
| | 16 | M. Mackett et al., 1997, "Genetic content and preliminary transcriptional analysis of a representative region of murine gammaherpesvirus 68", <i>Journal of General Virology</i> , Vol. 78, 6:1425-1433. |
| | 17 | V. Shankar et al., 1994, "A novel human airway mucin cDNA encodes a protein with unique tandem-repeat organization", <i>Biochemical Journal</i> , Vol. 300, 2:295-298. |

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609.
 Draw line through citation if not in conformance and not considered.
 Include copy of this form with next communication to Applicant.